Investigation by MRTPC on Alleged Formation of a Cartel of Cement Manufacturers

433. SHRI V. V. RAGHAVAN:
SHRI J. CHITHARANJAN:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Monopolies and Restrictive Trade Practices Commission (MRTPC) has investigated the alleged formation of a Cartel of Cement Manufacturers in the country and raising prices by cutting production and supplies; and

(b) if so, the details thereof and the action if any, taken thereon?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) Yes, Sir. The monopolies and Restrictive Trade Practices Commission ((MRTP Commission), which is a quasi-judicial body, has reported that it has instituted the following three RTP (Restrictive Trade Practices) Enquires:—

(i) RTPE No. 83/2000: This is based on a complaint filed by M/s Gayatri Agencies against Cement Manufacturers Association, Chennai under section 10(a)(i) of the MRTP Act, 1969 alleging that the members of the said Association:

(a) do not give free hand to the applicant in the matter of prices, sale and distribution of cement and impose various restrictions;

(b) quote same prices in response to tenders called for by various Government Departments;

(c) restrict the dealers to sell cement at prices specified by them; and

(d) sell cement at different prices to different parties.

The matter was investigated by the Director General of Investigation and Registration who has submitted his Preliminary Investigation Report in January, 2001. The Commission has ordered issuance of Notice/Interim application of injunction under section 12-A of the Act. The matter is sub-judice and is listed for hearing before the Commission on 28.2.2001.

(ii) RTPE No. 174/2000: This is based on a complaint received from the Office of the Chief Commissioner of Customs and Central Excise, Hyderabad against certain leading cement manufacturers alleging that they have formed a

cartel thereby creating artificial shortage of cement and pushing up the prices. The Commission has ordered issuance of Notice of Enquiry against ACC Ltd., Gujrat Ambuja Ltd., Larsen & Tubro Ltd., India Cements Ltd. and Grasim Cements Ltd. The matter is *sub-judice* and is listed for 15.3.2001.

(iii) RTPE No. 21/2001: This is based on a complaint filed by Shri Sarabjit S. Mokha & Another against the Cement Manufacturers Association and 10 other manufacturers under section 10 (a)(i)/36-B (a) of the MRTP Act, 1969 alleging that these manufacturers have formed a cartel and have increased the prices. The Commission has ordered a Notice of Enquiry to be issued against 11 respondents making it returnable on 8.5.2001. The matter is listed for hearing on 28.2.2001 for consideration of interim application of injunction under section 12-A of the Act.

Raising the Age of Superannuation of Judges of High Courts

†434. SHRI RAJ MOHINDER SINGH:
SHRI RAM JETHMALANI:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government have received any proposal regarding raising the age of superannuation to 65 years in respect of Judges of High Courts;

(b) if so, whether Government have taken any decision, so far, to examine the proposal and take action in the matter;

(c) if so, the details of the action taken in this regard; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) to (d) Yes Sir.

References have been received with regard to the increase in the age of retirement of High Court Judges from 62 to 65 years. A resolution to this effect was also adopted at the Conference of Chief Justices held in December, 1999. An increase in the age of retirement of a Judge of High Court would require amendment to article 217 of the Constitution of India in accordance with the procedure laid down in article 368(2) of the Constitution of India. It is not possible to indicate any time frame for a decison.

---

†Original notice of the question was received in Hindi.